

Chapter 22

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ARTICLE I. IN GENERAL**Sec. 22-1. Peddling in commercial zoning districts prohibited.**

It shall be unlawful for any person, whether licensed or not, to engage in the activities of a peddler within commercial zoning districts.

(Code 1964, § 17-1; Code 1980, § 16-1)

Sec. 22-2. Peddlers or solicitors—Registration.

It shall be unlawful for any person to go from house to house or place to place in the city soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines, without having first registered with the city administrator, giving the following information:

- (1) The name, home address and local address, if any, of the registrant.
- (2) The name and address of the person, if any, that the registrant represents or for whom or through whom orders are to be solicited or cleared.
- (3) The nature of the articles or things which are to be sold or for which orders are to be solicited.
- (4) Whether the registrant, upon any sale or order, shall demand or receive or accept payment or any deposit of money in advance of final delivery.
- (5) The period of time during which the registrant wishes to solicit or sell in the city.

(Code 1964, § 17-2; Code 1980, § 16-2)

Sec. 22-3. Same—Proof of identity.

At the time of the registration provided for in section 22-2, the registrant shall submit, for inspection of the city administrator, written proof of his identity, which may be in the form of an automobile operator's license or an identification letter or card issued to the registrant by the person for whom or through whom orders are to be solicited or cleared.

(Code 1964, § 17-3; Code 1980, § 16-3)

Sec. 22-4. Invitation to visit—Required.

It shall be unlawful for any person to solicit donations or subscriptions or to act as a peddler, hawker, itinerant merchant or vendor, without first having been invited by the owner or occupant of the private residence or place of business where such is to be done.

(Code 1964, § 17-4; Code 1980, § 16-4)

Sec. 22-5. Same—Hours when invitation may be solicited.

It shall be unlawful for any person to attempt to obtain the invitation to visit in a private residence or place of business required by section 22-4, except between the hours of 9:00 a.m. and 5:00 p.m. each day.

(Code 1964, § 17-5; Code 1980, § 16-5)

Secs. 22-6—22-28. Reserved.

ARTICLE II. SOLICITORS

DIVISION 1. GENERALLY

Sec. 22-29. Misrepresentations prohibited.

It shall be unlawful for any person to solicit or obtain alms or gifts in money or merchandise, directly or indirectly, by the misrepresentation of name, occupation, financial condition, social condition or residence.

(Code 1964, § 17-15; Code 1980, § 16-16)

Secs. 22-30—22-46. Reserved.

DIVISION 2. PERMIT

Sec. 22-47. Required.

(a) It shall be unlawful for any person to beg or solicit alms within the limits of the city or to solicit or accept alms or gifts, in money or in merchandise, directly or indirectly, for or on behalf of any person or charitable, patriotic or philanthropic organization; to promote or participate in any entertainment, benefit dance, fair or bazaar in the name of charity, patriotism or philanthropy; or to solicit or accept gifts or any property for any evangelistic, religious, philanthropic or charitable purpose of any nature or kind whatever, except by such organization on its own premises, or from members of such church or religious organization while acting under and in accordance with the authority of the proper church officials, without first obtaining a permit to solicit funds in the city.

(b) It shall be unlawful for any person to hold a benefit dance or rummage sale, or sell or offer for sale any property which has been given for sale for charity, philanthropy or patriotic purposes, without first obtaining a permit to do so.

(c) No solicitation or contribution shall be asked, demanded or received by any person or the representatives of any person, firm, institution, organization or association, until a permit therefor has been issued by the city administrator.

(d) Nothing in this division shall be deemed to grant a right to solicit or beg upon the streets or in public places in the city without first securing from the city administrator a permit specifically for such purpose.

(Code 1964, § 17-21; Code 1980, § 16-22)

Sec. 22-48. Application.

Each applicant for a permit to solicit funds in the city shall submit to the city administrator a sworn statement containing the following information:

- (1) The name and address of the applicant.
- (2) If the applicant is an organization, the names and addresses of the officers of its governing board.
- (3) The amount to be solicited.
- (4) The percentage, if any, to be paid to the solicitors.
- (5) The name of person for whom benefit the solicitation is to be made or, if an organization, the officials of the organization for whose support the permit is asked.

(Code 1964, § 17-22; Code 1980, § 16-23)

Sec. 22-49. Issuance or refusal.

The city administrator shall not issue permits to beg or solicit alms or to solicit funds under these provisions to any person or entity not approved for charitable solicitations by the South Carolina Secretary of State.

(Code 1964, § 17-23; Code 1980, § 16-24)

Sec. 22-50. Term.

Solicitation permits granted under this division shall be valid for the period specified thereon and no longer, and, in no case, shall they be valid for more than 30 days after the date thereof, unless renewed by compliance with all provisions of this division.

(Code 1964, § 17-24; Code 1980, § 16-25)

Sec. 22-51. Nontransferability.

A solicitation permit issued under this division shall be nontransferable.

(Code 1964, § 17-25; Code 1980, § 16-26)

Sec. 22-52. Display; permittee to supply solicitors with credentials and be responsible for acts of solicitors.

Each person receiving a permit under this division to beg or solicit funds on the city streets or within the city limits shall keep his permit prominently displayed about his person or on his

vehicle. Each permit holder shall supply any solicitor used by him with proper credentials and the recipient of the permit shall be responsible for the overt acts of his representatives in connection with the solicitation authorized by the permit.

(Code 1964, § 17-26; Code 1980, § 16-27)

Sec. 22-53. Effect; revocation.

(a) No permit granted under this division shall operate as a grant or a privilege or mature into a right, but such permit may be revoked at any time by the city administrator.

(b) In all cases where the city administrator is of the opinion that the funds of any person, institution or organization operating under a permit from the city have been or are being diverted from the purpose from which they are collected, or have been secured by misrepresentation, such person, institution or organization shall be subject to investigation by the city administrator and, if the city administrator deems it warranted, he may require such person or organization to file an immediate account of its receipts and expenditures with the administrator and shall summon such witnesses to appear before him as shall be necessary to ascertain the truth or falsity as to the facts of such representation or of such diverting of funds from their proper purposes. The city administrator, upon hearing the witnesses and after investigating all the facts, shall render his decision as to whether or not the solicitation permit shall then and there be cancelled.

(Code 1964, § 17-27; Code 1980, § 16-28)

Sec. 22-54. Records to be kept.

The city administrator shall keep each application for a permit under this division on file, together with a record of his action thereon, subject to the inspection by any person at any reasonable time.

(Code 1964, § 17-28; Code 1980, § 16-29)

Secs. 22-55—22-70. Reserved.

ARTICLE III. TRANSIENT MERCHANTS

Sec. 22-71. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Transient merchant means any person who sells or purchases goods, wares, merchandise, or anything of value, and who for himself or as an agent for another, rents, erects, purchases, uses or occupies any room, building or other structure or place, including but not limited to parking lots or shopping centers, for the purpose of purchasing, selling or offering for sale anything of value at such location without the intention of establishing a permanent business thereat.

Sec. 22-72. Permit required; fee.

Each transient merchant shall obtain a city transient merchant's permit prior to offering goods, wares, merchandise or anything of value for sale. The fee for the permit shall be fixed at \$500.00 for a period not to exceed three consecutive days.

Sec. 22-73. Other requirements.

Each transient merchant must comply with all applicable city codes, ordinances and regulations, including, but not limited to, all zoning requirements.

Sec. 22-74. Application for permit.

Applicants for a permit under this article shall file a written sworn application with the zoning administrator showing:

- (1) The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city, the local address of such person while engaged in such business, the permanent address of such person, and the capacity in which such person will act (that is, whether as proprietor, agent or otherwise), and the name and address of the person for whose account the business will be carried on, if any.
- (2) The place in the city where the applicant proposes to carry on business, and the length of time during which it is proposed that the business shall be conducted.
- (3) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the city.
- (4) Whether or not the persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.
- (5) Written permission from the manager, supervisor, owner or other appropriate officer or agent of any place of business or private property on which the transient merchant anticipates doing business. The written permission from such officer or agent shall spell out the times and location of such permitted activity.

Sec. 22-75. Hours of operation.

The hours of operation shall not include the hours from one-half hour before sunset until one-half hour before sunrise.

Sec. 22-76. Violations.

Any violation of the sworn application which the transient merchant fills out shall be a misdemeanor and shall be punishable in the municipal court of the city. Violations shall include but not be limited to operating in places other than those stated on the application,

operation on private property without written permission from the appropriate party, operation beyond the time limits stated in such written permission, if any permission shall be had, and operation on any public property or rights-of-way.

Chapter 23

RESERVED

